

1 THE HONORABLE JOHN C. COUGHENOUR  
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7 UNITED STATES DISTRICT COURT  
8 WESTERN DISTRICT OF WASHINGTON  
9 AT SEATTLE

10 KEVIN A. STANFIELD,

11 Petitioner,

12 v.

13 BOB FERGUSON,

14 Respondent.

CASE NO. C20-5663-JCC

ORDER

15 This matter comes before the Court on the Report and Recommendation (“R&R) of the  
16 Honorable David W. Christel, U.S. Magistrate Judge, to deny Mr. Stanfield’s 28 U.S.C. § 2254  
17 petition for a writ of habeas corpus (Dkt. No. 13) and Mr. Stanfield’s objections thereto (Dkt.  
18 No. 14). Having thoroughly considered the petition, the R&R, Mr. Stanfield’s objections, and the  
19 balance of the record, the Court hereby OVERRULES Petitioner’s objections, ADOPTS the  
20 Report and Recommendation, DENIES the petition, and DISMISSES this case with prejudice for  
21 the reasons explained herein.

22 The R&R recommends denying the petition because, while Mr. Stanfield may have owed  
23 a fine, he was not *in custody* at the time he filed his petition. (Dkt. No. 13 at 3–4.) Therefore, the  
24 Court lacks jurisdiction in this matter. *Wilson v. Belleque*, 554 F.3d 816, 821 (9th Cir. 2009). Mr.  
25 Stanfield objects, restating his contention that a continuing duty to satisfy a court-imposed fine is  
26 sufficient to establish this Court’s jurisdiction to hear his petition. (Dkt. No. 14 at 1–2.) But Mr.

1 Stanfield provides no legal basis to support this contention in his objection, instead citing  
2 inapposite cases. (*Id.*) An argument without legal support does not “demonstrate that reasonable  
3 jurists would find the [R&R’s] assessment of [Mr. Stanfield’s] claims debatable or wrong.”  
4 *Miller-El v. Cockrell*, 537 U.S. 322, 338 (2003) (quotation marks omitted). Accordingly, the  
5 Court OVERRULES Mr. Stanfield’s objections (Dkt. No. 14), ADOPTS the R&R (Dkt. No. 13),  
6 DENIES Petitioner’s 28 U.S.C. § 2254 habeas petition, DISMISSES this case with prejudice,  
7 and DENIES issuance of a certificate of appealability.

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9 DATED this 25th day of January 2021.

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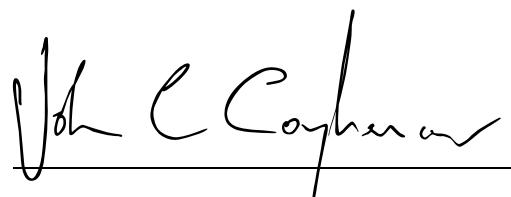
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John C. Coughenour  
UNITED STATES DISTRICT JUDGE